

# PATENT COOPERATION TREATY

From the:  
INTERNATIONAL SEARCHING AUTHORITY

To:

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## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

<p>Date of mailing (day/month/year) <span style="float: right;">19 AUG 2004</span></p>		
<p>Applicant's or agent's file reference FP20044</p>	<p><b>FOR FURTHER ACTION</b> See paragraph 2 below</p>	
<p>International application No. <b>PCT/AU2004/000965</b></p>	<p>International filing date (day/month/year) 16 July 2004</p>	<p>Priority date (day/month/year) 16 July 2003</p>
<p>International Patent Classification (IPC) or both national classification and IPC Int. Cl. <sup>7</sup> C02F 1/58</p>		
<p>Applicant BUSHWATER HOLDINGS PTY LTD et al</p>		

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

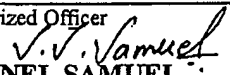
**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

<p>Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929</p>	<p>Authorized Officer  <b>SERINEL SAMUEL</b> Telephone No. (02) 6283 2382</p>
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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AU2004/000965

Box No. I      Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/AU2004/000965**

**Box No. V**      **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims Nil	YES
	Claims 1-16	NO
Inventive step (IS)	Claims Nil	YES
	Claims 1-16	NO
Industrial applicability (IA)	Claims 1-16	YES
	Claims Nil	NO

**2. Citations and explanations:**

D1    US 6379546  
D2    JP 2001009472  
D3    US 6132624  
D4    JP 2000210696  
D5    JP 11277073  
D6    JP 11262776  
D7    JP 11057748  
D8    US 5720882  
D9    KR 9508039  
D10   WO 94/00391  
D11   JP 05-154487  
D12   DE 3833039  
D13   SE 8802075  
D14   DE 3732896

Novelty (N) & Inventive Step (IS) Claims 1-16

The claimed invention lacks novelty in view of a large number of documents. Only some of the relevant documents are listed as examples in the search report. The claims are very broad and general; and the information can be found even in text books. Therefore the subject matter of these claims is not new and does not meet the requirements of Article 33(2) PCT with regard to novelty and also the subject matter of these claims is obvious and does not meet the requirements of Article 33(3) PCT with regard inventive step.

Industrial Applicability (IA)

The invention defined in the claims is considered to meet the requirements of Industrial Applicability under Article 33(4) of the PCT because it can be made by, or used in, industry.